

Date: 09-19-08

UNITED STATES of AMERICA
Vs.

Barry E. Gittars

Case Number: 1:07-cr-464

Judge: O'GRADY

Reporter: N. Linnell

Start: 9:36

End: 11:27

Counsel/Govt. Jay Prabhu / Josh Goldfoot / Tyler Newby
 Counsel/Def: Jonathan Katz
 Court adopts PSI () without exceptions () with exceptions: Deft's motion for new trial
 and Judgment of Acquittal - denied. Deft's motion for Sentence Variance
 pursuant to 3553 granted. Defendant's objections - SEE OVER →
 A variance downward was granted to correct disparity in sentences imposed
Sentencing Guidelines: or other co-conspirators?

Offense Level: 24

Court departs from Guidelines pursuant to:

USSG SH1.4

USSG SK1.1

USSG SK2.12

USSG SC1.2

Other:

Criminal History: I

Imprisonment Range: 51 to 63 months

Supervised Release Range: 2 to 3 years

Fine Range: \$10,000 to \$100,000

Restitution: \$

Special Assessment: \$ 100 (Satisfied) (Unsatisfied, due immediately)Judgment of the Court:

BOP for 18 months, with credit for time served

Supervised Release for 2 Years, with Special Conditions: (Yes) (No)Supervised Probation for _____ Years, with Special Conditions: (Yes) (No)

Restitution: \$

Fine: \$ 2,500 (Due Immediately) (Monthly Installments of \$ 200 to begin
w/in 30 days of release from custody/imposition of sentence after release.(Fine/Costs of Supervision Waived)Special Conditions:

Defendant maintain uniform good behavior.

Deft. to remain drug free, Submit to In/Out patient treatment or testing as directed.

Deft. to participate in _____ counseling as directed.

Access to all financial records.

No new credit.

No Purchases over \$ _____ without prior approval from probation officer.

Pay restitution of \$ _____ in monthly installments of \$ _____ to begin within
days from release from custody/imposition of sentence.Home Detention with electronic monitoring for the first _____ months of supervised release
as directed by the probation officer.

Cooperate fully with INS.

Drug Testing waived.

Other: _____

Recommendations to BOP:✓ Deft. to be designated to: a facility close to NYC to be near his family.
 ICC (Boot Camp) type program

500 Hours Intensive Drug Treatment Program

Other: _____

Defendant: (Remanded (Bond Cont'd to Self Surrender) (Referred to USPO) (Immediate Deportation
as dir. by P.D.)

Deft. Notified of right to appeal.

Objections by defendant:

1. History of offense - denied.
2. Marijuana charge - denied.
3. Obstruction of justice - denied.
4. Loss calculation - denied.